



### Independent Contractor Determination Checklist

- This Checklist is to be used to determine if an individual or firm is an Independent Contractor, Special Consultant or neither.
- If the majority of the checks are in the Special Consultant column then contact HREO.
- **If the majority of the checks are in the Independent Contractor column, attach this to an IC Request Form and submit to PC&SS.**
- If it is determined that "Neither" applies, than the contracting document cannot be an Independent Contractor Agreement and must be a Service Agreement, prepared after the submittal of a requisition.

Special Consultant		Independent Contractor	
	Current CSUSM Employee ( this is not encouraged if it results in an overload)		Not currently appointed to a temporary, probationary, or permanent University - funded or reimbursed position.
	CSU employee with the past 24 months		Is engaged in the pursuit of an independent trade, business, or profession in which these same services are offered to the public
	Does not have to be a current CSUSM employee. Must not meet criteria for independent contractor		The services contracted are not available within CSUSM, cannot be performed by a CSUSM employee, or are of such a specialized or technical nature that the knowledge, experience or ability are not available through the normal staffing process.
	No other appropriate classification currently exists in CSU system		University does not exercise control over details of the how the service is to be performed
	Work is of a temporary nature (normally not to exceed one year).		Supplies, work area, benefits, and personal liability insurance are not furnished by the University.
	Will not act as coordinator of an on-going or recurring academic or academic-related program. Such coordinators should be placed in an appropriate CSU classification (e.g., class code 2361, 12-month faculty).		Is a sole proprietor or individual that will be the only one performing the required service
			Does have a specific schedule to be followed for instruction, performance, lecture, presentation, etc.
			Is an "individual operating a business as a sole proprietor". An individual operating their business as a corporation does qualify as an Independent Contractor if they only have one employee, themselves. Note: A company employing more than the sole proprietor is not an Independent Contractor and this process cannot be used and a requisition requesting a Service Agreement is the proper contracting process.

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_